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Report of the Working Group on the Universal Periodic Review*

San Marino

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. The Republic of San Marino takes note of the recommendations made by UN Member States during its Second Universal Periodic Review (UPR), held on 29 October 2014.

2. In adopting the report of the Working Group on the Universal Periodic Review on 31 October 2014, San Marino announced its intention to accept 46 of the 74 recommendations made, while it cannot accept 11 recommendations.

3. The remaining 17 recommendations were carefully considered by the Government of San Marino and the relevant answers will be provided in this addendum.

I. San Marino's comments on the recommendations accepted during the preparation of the report of the Working Group on the Universal Periodic Review (A/HRC/28/9, paragraph 78)

4. San Marino has the honour to provide comments on some of the recommendations accepted, in particular on those which have already been implemented.

5. **Recommendations from 78.1 to 78.16 on the ratification of international instruments:** San Marino administration has already carried out an examination of San Marino legislation for conformity with the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and after assessing it as compliant, it has started the accession process. The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure is currently being considered. Kampala amendments to the Rome Statute on the crime of aggression were ratified by the Parliament on 31 October 2014.

6. **Recommendation 34 on the prohibition of corporal punishment:** The recommendation was fully implemented through the adoption of Law no. 140/2014 amending the Criminal Code and of the law reforming family law, introducing the prohibition of corporal punishment in the framework of powers of correction or discipline. In particular, it was established that the child cannot be subject to corporal punishment or other treatment "detrimental to the physical and psychological integrity".

7. **Recommendations from 39 to 42 on the rights of persons with disabilities:** The last parliamentary session approved the Framework Law on assistance, social inclusion and the rights of persons with disabilities, which fully incorporates the principles, definitions and fundamental concepts of the United Nations Convention on the Rights of Persons with Disabilities by enforcing the instruments for its implementation.

II. San Marino's answers to the recommendations contained in paragraph 79 of the report of the Working Group on the Universal Periodic Review (A/HRC/28/9)

8. **Recommendations 79.1, 79.2, 79.3 and 79.4: not accepted.** At the time, San Marino cannot commit to acceding to the International Convention for the Protection of all Persons from Forced Disappearance. Considering the shortage of human resources within San Marino administration and as already indicated in the national report and in the opening remarks of the San Marino head of delegation at the 20th session of the UPR Working Group of the Human Rights Council, San Marino would not be able to fulfil the obligation laid down in Article 29, thus accumulating further delays in the submission of national reports. For this reason and due to the fact that no cases of forced disappearance

have been reported in San Marino as a result of its small territory (61 sq km) and of the extensive controls carried out by the police, San Marino does not intend to accept recommendations 79.1, 79.2, 79.3 and 79.4.

9. **Recommendation 79.5: not accepted.** San Marino is not expected to rapidly accede to the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. A study was conducted to examine the conformity of San Marino legislation, highlighting the need to make changes to the San Marino criminal law before acceding to the international instrument.

10. **Recommendation 79.6: accepted.** In the context of the preparation of the new San Marino Core Document, which will be submitted as soon as possible, the San Marino administration set up a database on human rights in accordance with the guidelines contained in the document HRI/GEN/2/Rev.6, requesting the annual updating of this database. Therefore San Marino accepts the recommendation and considers it already implemented.

11. **Recommendation 79.7: accepted.** In San Marino awareness-raising and monitoring against all forms of discrimination are continuous activities. The Republic has adopted several legislative instruments aimed at protecting the population against discrimination and any form of discrimination that might arise is subject to the action of the Judiciary.

12. **Recommendations 79.8, 79.9 and 79.10: Accepted** and partly already implemented. It is believed that San Marino's regulatory framework to combat all forms of discrimination is well structured. No cases of discrimination based on ethnic origin of people have been reported in San Marino. With regard to nationality, the right to vote is restricted to San Marino citizens both for parliamentary and local elections. As regards languages, the Republic adopts policies aimed at extending language learning both through education at all levels, where a decree has been recently introduced for the introduction of multilingualism, and through the organisation of evening classes for adults, which are attended by many participants and show encouraging results. There are no differences between San Marino citizens and foreign residents as regards access to employment and public services. The Republic defends and promotes the freedom of expression, including religious expression. In San Marino there are associations that have specific premises used as places of prayer. The Republic promotes interfaith dialogue through specific initiatives, also internationally. For example, in 2007 a place for meditation and personal prayer for any type of religious faith was inaugurated in the historic centre.

13. **Recommendation 79.11: not accepted.** The San Marino legislation in force does not allow to accept this recommendation.

14. **Recommendations 79.12 and 79.15: not accepted.** It is believed that the offence of defamation, as provided for in Article 183 of San Marino Criminal Code, is not an obstacle to the exercise of the right to freedom of expression and it effectively contributes to maintaining a precarious balance between the right to information and right to privacy.

15. **Recommendations 79.13, 79.14 and 79.16: accepted.** Women's right to vote and to stand as a candidate is exercised on the basis of gender equality. In order to address the low presence of women in institutions, the last electoral reform (Qualified Law no. 1 of 5 August 2008) provides that each party list for the general elections in the country shall not include more than two thirds of candidates of the same gender (the so-called "obligatory quotas for women").

16. **Recommendation 79.17: accepted.** The recommendation is considered to be already implemented thanks to the surveillance activities carried out by the Prevention Department of the Social Security Institute of San Marino, in all sectors, including the construction sector and mechanical industry. Such monitoring takes place pursuant to Law

no. 31 of 18 February 1998 "Framework law on safety and health in workplaces", and as a result of its implementing decrees. The above Law implements the international agreements and conventions to which the Republic of San Marino is a party.